IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8882 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

U K JANI

Versus

GUJARAT LAND DEVELOPMENT CORPORATION LTD.

Appearance:

MR PARESH UPADHYAY for the Petitioner.

MR HS MUNSHAW for Respondent No. 1

Mr.Pandya, Assistant GOVERNMENT PLEADER, for Respondent No. 2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 13/08/2003

ORAL JUDGEMENT

1. Rule. Mr.Munshaw, learned Advocate, waives service of rule for respondent No.1 and Mr.Pandya, learned AGP, waives service of rule on behalf of

respondent No.2.

With the consent of the parties, the matter is taken up for hearing today.

2. By filing this petition, the petitioner is challenging the order dated 30.5.2003, at Annexure 'A', at page 8 of the compilation. By the impugned order, respondent No.1 has asked the petitioner to deposit Rs.7,000/- on the ground that the petitioner has wrongly stated his headquarter as Ahmedabad, even though he was residing at Vadodara at the relevant time. It is not in dispute that in connection with the aforesaid allegation, now, departmental enquiry is pending against the petitioner and the charge-sheet is also produced at page 9 of the compilation. Mr.Munshaw, who is appearing for respondent No.1, submitted that the enquiry officer is appointed and the allegations will be enquired into by the Enquiry Officer and after conclusion of the enquiry, the disciplinary authority will pass appropriate order in connection with the subject matter of this petition. In that view of the matter, respondent No.1 is permitted to pass appropriate order in accordance with law after the enquiry initiated against him is over. In that view of the matter, the order at Annexure 'A' is premature at this stage. After the conclusion of the enquiry, if the charges against the petitioner are proved, it is open for the authority to pass appropriate order in accordance with law.

3. Under these circumstances, the order at Annexure 'A' to the petition is set aside and after the enquiry is over, respondent No.1 is permitted to pass appropriate order as deemed fit and in accordance with law. The petition is allowed accordingly to the aforesaid extent. Rule is made absolute accordingly. Ad interim relief is vacated, with no order as to costs.

13th August, 2003 (P.B. Majmudar, J.)

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(apj)